IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

Crl.Rev.Pet.No. 971 of 1999()

CRA.342/1996 of SESSIONS COURT, THRISSUR
CC.275/1992 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KUNNAMKULAM

.....

REVN. PETITIONER:

---

1. BALAKRISHNAN, S/O. PEROTH VEETTIL,
KARAPPUNNI, PUNNAYOORKULAM VILLAGE,
PUZHIKKALA DESOM, THRISSUR DISTRICT.

2. RAJAN, S/O. PEROTH VEETTIL KARAPPUNNI,
PUNNAYOORKULAM VILLAGE,
PUZHIKKALA DESOM, THRISSUR DISTRICT.

3. GOPI, S/O. OMATTUVEETTIL KANDARI,
PUNNAYOORKULAM VILLAGE,
PUZHIKKALA DESOM, THRISSUR DISTRICT.

BY ADV. SRI.P.CHADRASEKHAR

RESPONDENTS:

THE STATE OF KERALA, REPRSENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.PNO.4470/99 IN CRL.R.P.NO.971/1999

DISMISSED.

28-5-2007. SD/- K.R.UDAYABHANU, JUDGE.

//TRUE COPY//

K.R.UDAYABHANU, J.

CRL.R.P.NO. 971 of 1999

Dated this the 28th day of May, 2007

ORDER

The revision petitioner stands convicted for the offences under sections 341 and 326 read with 34 IPC as modified by the appellate court, to R.I for one month each and to pay a fine of Rs.5000/- each and in default to R.I for six months each. Out of the fine amount if realised, Rs.10,000/- shall be paid to PW1 as compensation vide section 357 Cr.P.C.

2. The prosecution case is that on 8-2-92 at 7.30 p.m the three accused persons in furtherance of their common intention caused hurt to PW1 and that A1 beat PW1 on the right thigh and A2 stabbed on his left ear and A3 hit him with wooden stick and all the accused hit him on different parts of the body. PW1 lost a teeth and also sustained penetrating injury on the ear on account of the stab wound.

3. The evidence adduced in the matter consisted of the testimony of PWs 1 to 11 and Exts.P1 to P6 and M.Os 1 and 2 , the stick and iron rod respectively. The prosecution evidence consisted of the testimony of PW-1, the injured and that of PW-2,

the son of PW-1 who has allegedly witnessed the incident and PW-3 a neighbour. The above witnesses are direct occurrence witnesses to the incident. PW11, the doctor, has proved Ext.P4 wound certificate wherein the injuries are noted. The evidence of PWs 1 to 3 corroborate and no serious discrepancies in their evidence could be brought out. The inconsistencies pointed out are inconsequential in nature. Both the courts below have meticulously examined the evidence adduced in the matter and held that the accused is guilty of the offence. On a perusal of the evidence adduced, and the findings of the courts below, I find no reason to deviate from the findings of the courts below.

4. Counsel for the revision petitioner pleaded for leniency pointing out that the incident has taken place more than 15 years ago and that the accused has been facing criminal proceedings so long.

5. In the circumstance, I find that the sentence is liable to be modified. The sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.5000/- (five thousand only) for the offence under section 326 and in default to undergo simple imprisonment for 6 months each. They are also sentenced to imprisonment till the rising of the court for

the offence under section 341 and to pay a compensation of Rs.20,000/- (Twenty thousand only) each to PW1 and in default, to undergo simple imprisonment for 3 months each. The fine amount if realised will also be paid to PW-1.

The Crl. R.P is partly allowed.

K.R.UDAYABHANU,
JUDGE

kvm/-

K.R.UDAYABHANU, J.

CRL.R.P. 971/1999

ORDER

28-5-2007.